

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 58th LEGISLATURE - REGULAR SESSION

COMMITTEE ON STATE ADMINISTRATION

Call to Order: By **CHAIRMAN DEBBY BARRETT**, on March 18, 2003 at 9 A.M., in Room 455 Capitol.

ROLL CALL

Members Present:

Rep. Debby Barrett, Chairman (R)
Rep. Dee Brown, Vice Chairman (R)
Rep. Larry Jent, Vice Chairman (D)
Rep. Norman Ballantyne (D)
Rep. Arlene Becker (D)
Rep. Sue Dickenson (D)
Rep. Carol Gibson (D)
Rep. Daniel S. Hurwitz (R)
Rep. Hal Jacobson (D)
Rep. Larry Lehman (R)
Rep. Ralph Lenhart (D)
Rep. Alan Olson (R)
Rep. Bernie Olson (R)
Rep. Frank Smith (D)
Rep. Pat Wagman (R)
Rep. Cindy Younkin (R)

Members Excused: Rep. Don Roberts (R)
Rep. Clarice Schrupf (R)
Rep. Jonathan Windy Boy (D)

Members Absent: None.

Staff Present: Sheri Heffelfinger, Legislative Branch
Joan Reiman, Committee Secretary

Please Note. These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing & Date Posted: SB 149, SB 262, SB 274, SB 339,
3/12/2003
Executive Action: None

HEARING ON SB 339**Sponsor:** SEN. MIKE COONEY, SD 26**Opening Statement by Sponsor:**

SEN. COONEY said this is the Montana voluntary campaign spending limit act. It is a formal mechanism for candidates to announce they are complying with voluntary limits. The US Supreme Court has ruled that setting spending limits is unconstitutional; this proposes voluntary limits. **SEN. TAYLOR** amended this in the Senate to raise the limits. **SEN. COONEY** disagreed with that but is open to amendment to perhaps average the figures. Fines for noncompliance will put teeth in the bill. Excess money from campaign accounts goes to a special revenue account to help fund the Commissioner of Political Practices. If this bill passes, candidates who choose not to enroll under it would have to state that on campaign literature. The bill does not address independent expenditures.

{Tape: 1; Side: A; Approx. Time Counter: 0 - 13}

Proponents' Testimony: None**Opponents' Testimony:** None**Informational Testimony:** None**Questions from Committee Members and Responses:**

REPS. B. OLSON, YOUNKIN, BECKER, BALLANTYNE, DICKENSON, LEHMAN, SMITH, HURWITZ and JACOBSON questioned the sponsor. Questions revealed the following:

SEN. COONEY said he does not foresee a lot of fines being levied. The public would like this bill, and would pressure candidates to join. He called the limits fair; they are modeled after the State of New Hampshire. He testified he has worked on this issue for 12 years, and arrived at the limits, which he said are all low, by averaging amounts spent. He will research and provide figures of this year's campaign expenditures. He also agreed to get a copy of expenditures of this committee from two years ago, and will try to find out the overall average yearly increase. The Commissioner of Political Practices (CPP) would use a formula to recalculate the limits every two years, using the Consumer Price Index (CPI).

SEN. COONEY explained that filing fees are raised; this is overdue, and also the CPP office needs funding. There are no

other penalties, but if fines are unpaid, the winning candidate cannot be seated; the losing candidate would not be able to file again until fines are paid. He is open to amendments to add more teeth to penalties. The limits include primary and general elections' combined expenditures. If any part of the act is declared unconstitutional, the rest remains in place. The bill covers district judges, but not Supreme Court judges. He said he would have set up public financing for all judges, but timing was not right with DPHHS being underfunded. It does not address constituent accounts, which is money accessible if the campaign has a surplus. If an incumbent had a constituent fund, they could use it outside this act for mailings, but if it is used to benefit their campaign, the CPP would have issue with that. This only deals with expenditures, not the money left over, **SEN.**

COONEY testified.

{Tape: 1; Side: A; Approx. Time Counter: 13 - 34.2}

Closing by Sponsor:

The **Sponsor** said he would need a House sponsor.

HEARING ON SB 262

Sponsor: **SEN. GARY PERRY, SD 16**

Opening Statement by Sponsor:

SEN. PERRY gave some background and history of the bill, which provides more time to appoint a legislator to fill a vacated seat. The law now says the seat must be filled within 15 days, or the county has to have a special election, costing some \$80,000. It is hard to meet that deadline. He explained the sections of the bill; most of it clarifies existing law. The meat of the bill is on Page 2, Line 22. It allows seven days for the Secretary of State to notify both the County Commission and the party's central committee; it allows 45 days for the Commission to select a candidate. The Secretary of State supported this bill in the Senate, where it passed unanimously.

{Tape: 1; Side: A; Approx. Time Counter: 34.2 - 44}

Proponents' Testimony:

Elaine Gravely, Elections Deputy, Secretary of State, said it gives everyone more time, and is especially important to multi-county districts.

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

REP. YOUNKIN asked why there was a distinction for special sessions. The **Sponsor** replied that the bill drafter looked at every possible scenario. REP. YOUNKIN asked, "If the legislature is not in session, would the 45 days apply by default?" SEN. PERRY did not know, and would get a ruling and get back to them. {Tape: 1; Side: A; Approx. Time Counter: 45 - 48}

Closing by Sponsor:

Sponsor closed, and said that REP. FACEY will carry this bill in the House.

HEARING ON SB 149

Sponsor: SEN. GREG BARKUS, SD 39

Opening Statement by Sponsor:

SEN. BARKUS said this bill is not about redistricting, it's about broader districts and representation. It allows appointments to be made on qualifications, not geography. Requested by Legislative Council, it divides the state into two, not four districts for the sake of appointments to the Redistricting and other Commissions. The Governor's appointments would double, he said. Currently, all members of the Redistricting Commission could come out of one Senate District; this corrects that. He gave out two maps.

EXHIBIT(sth57a01)

EXHIBIT(sth57a02)

{Tape: 1; Side: A; Approx. Time Counter: 50 - 60}

Proponents' Testimony: None

Opponents' Testimony: None

Informational Testimony: Info

Questions from Committee Members and Responses:

REPS. BALLANTYNE and JACOBSON questioned SEN. BARKUS, who said there would still be four Redistricting Commissioners, but two must be from each district. This reconfiguration came about by merging, based on population.

Closing by Sponsor:

It is not a partisan issue, **SEN. BARKUS** said.

HEARING ON SB 274

Sponsor: **SEN. DAN MCGEE, SD 11**

Opening Statement by Sponsor:

SEN. MCGEE said this is a proposed amendment to the Constitution's privacy clause, Article 2, Section 10. All abortion cases overturned by the US Supreme Court were upheld by Montana's Supreme Court because of the privacy clause. But he said privacy is a qualified right, not to be infringed upon without a compelling state interest, a legal standard he wants put in the Constitution. He said DPHHS spends millions on unborn children and expectant mothers. He provided a copy of written testimony for himself and Bob Kelleher, and also two informational documents.

EXHIBIT(sth57a03)

EXHIBIT(sth57a04)

EXHIBIT(sth57a05)

EXHIBIT(sth57a06)

{Tape: 1; Side: B; Approx. Time Counter: 3 - 19}

Proponents' Testimony:

Greg Trude, Executive Director, Montana Right to Life

Julie Millam, Mt Family Coalition, said 45 million abortions have been performed since the Roe v. Wade decision in 1973.

Lani Candelora, Montana Catholic Conference, provided two exhibits. She said women who have abortions are more at risk for clinical depression and suicide.

EXHIBIT(sth57a07)

EXHIBIT(sth57a08)

Jenny Dodge, Citizen's Network, testified in favor of the bill.

Marilyn Hatch, Lolo, provided written testimony for herself and Jeanette Zentgraf.

EXHIBIT(sth57a09)

EXHIBIT(sth57a10)

Kandi Matthew-Jenkins, Missoula, provided written testimony and said alternatives to abortion are available.

EXHIBIT (sth57a11)

Gilda Clancy, Eagle Forum, provided written testimony.

EXHIBIT (sth57a12)

Shannon Bennett, testified in favor of the bill.

Harris Himes, Pastor, Hamilton, testified in favor of the bill.

{Tape: 1; Side: B; Approx. Time Counter: 19 - 46}

Opponents' Testimony:

Beth Brennan, Legal Director, Montana ACLU, said it is hard to predict what a constitutional amendment would do. This bill is not only about abortion, but creates an exception to rights of privacy. Women have been prosecuted for various actions while pregnant. This tends to drive the at-risk behavior underground, and the women don't then get needed care. She provided written testimony for herself and Mark Kende.

EXHIBIT (sth57a13)

EXHIBIT (sth57a14)

Anita Roessman, Attorney, Montana Advocacy Program, said this would disproportionately impact mentally ill women. She said bipolar women's necessary medications would cause problems to the unborn. She provided written testimony.

EXHIBIT (sth57a15)

Mary Cafero, WEEL, testified against the bill.

REP. CAROL JUNEAU, HD 85, said this bill creates a dangerous precedent for wide-ranging government intrusion into lives of all women.

Beth Satre, Montana Coalition Against Sexual and Domestic Violence, provided written testimony. She said women who are abused would be 25% more likely to receive abuse if pregnant.

EXHIBIT (sth57a16)

Morgan Sheets, Montana Director, NARAL, said there is a myth linking abortion and breast cancer. The Bush administration decision includes unborns in health care prenatally, but post-partum care is not included. This is pushing ideology over health care, she said. She provided written testimony.

EXHIBIT (sth57a17)

Jeri Duran, Intermountain Planned Parenthood, provided written testimony.

EXHIBIT(sth57a18)

Linda Gryczan, Montana Women's Lobby, provided written testimony.

EXHIBIT(sth57a19)

Joy Bruck, Montana League of Women Voters, provided written testimony for herself and Joan Hurdle.

EXHIBIT(sth57a20)

EXHIBIT(sth57a21)

Brad Martin, Executive Director, Montana Democratic Party, testified against the bill.

REP. DAVE WANZANRIED, HD 68, provided written testimony.

EXHIBIT(sth57a22)

{Tape: 1; Side: B; Approx. Time Counter: 46 - 55}

{Tape: 2; Side: A; Approx. Time Counter: 0 - 22}

Informational Testimony: None

Questions from Committee Members and Responses:

REP. BROWN asked the sponsor how much money from Children's Health Insurance Program (CHIP) has been dedicated to unborn children. He did not have that figure; he said DPHHS did not break out that figure. **REP. B. OLSON** asked if compelling state interest is not a high legal standard. The **Sponsor** agreed that it is. **REP. OLSON** asked if this passed, if they would have to protect the child from birth on. **SEN. MCGEE** said the issue is letting the people vote on this, to clarify to courts the legal basis upon which we now have [programs]. **REP. OLSON** asked, if this passed, would it increase the birth rate. The **Sponsor** disagreed with that premise. **REP. OLSON** asked if the state is assuming a parental role; the **Sponsor** disagreed with that premise.

REP. SMITH asked the sponsor if this is to protect the unborn human; sponsor agreed. **REP. SMITH** asked if a woman does not have an abortion but an unwanted child, if the state had a compelling interest to take care of it for life. The **Sponsor** said he is not speaking to that issue. He was asked about an article in the Missoula Independent. **SEN. MCGEE** said he was misquoted.

{Tape: 2; Side: A; Approx. Time Counter: 23 - 36}

Closing by Sponsor:

SEN. MCGEE said the question this committee must ask is whether the unborn human life has any legal standard. **SEN. COONEY's** SB 449, to study fetal death, passed overwhelmingly in the Senate. The **Sponsor** objected to Mr. Martin testifying today. This issue is not about Democrat versus Republican or women's rights versus right to life, he said.

{Tape: 2; Side: A; Approx. Time Counter: 36 - 47}

ADJOURNMENT

Adjournment: 11:50 A.M.

REP. DEBBY BARRETT, Chairman

JOAN REIMAN, Secretary

DB/JR